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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,906

02/06/2004

Michael J. Sullivan

B03-70

8326

7590

11/20/2006

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EXAMINER

TRIMIEW, RAEANN

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

NT

**Office Action Summary**

Application No.

10/773,906

Applicant(s)

SULLIVAN ET AL.

Examiner

Raeann Trimiew

Art Unit

3711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-13 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-27 and 30-38 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

**After further consideration the indicated allowability of claims 5 and 9 is withdrawn.**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6-9, 14, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara et al (4,714,253) in view of Sullivan et al (5,830,087) and Nesbitt (4,431,193). Claim 1, Nakahara discloses a golf ball comprising an inner core, an outer core, and cover. The outer core has a hardness from 70 to 83 Shore C and a specific gravity greater than the inner core (abstract). The hardness of the inner core is less than the hardness of the outer core. Sullivan discloses a three-layer golf ball comprising an inner core diameter from 1.4 to 1.6 inches and the adjacent layers thickness of at least 0.10 inch. Claim 4, the inner core has a specific gravity of from 1.030 to 1.25. Claims 7 and 8, the inner and outer cores are made from 100 parts polybutadiene, 36 parts zinc acrylate, 1.0 parts peroxide and a sufficient amount of filler to provide the specified specific gravity (table 1, col. 2). Claim 9, Nesbitt teaches a an outer cover layer thickness from 0.02 to 0.1 inch. Claim 14, Nakahara discloses a golf

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ball comprising an inner core, an outer core, and cover. The outer core has a hardness from 70 to 83 Shore C and a specific gravity greater from 1.3 to 2.5 (abstract). The hardness of the inner core is less than the hardness of the outer core and the inner core has a specific gravity less than the outer core. Claims 18 and 19, the inner and outer cores are made from 100 parts polybutadiene, 36 parts zinc acrylate, 1.0 parts peroxide and a sufficient amount of filler to provide the specified specific gravity (table 1, col. 2). Since the materials and quantities for the core layers are the same as applicant's the COR and compression values will also be the same. One of ordinary skill in the art would vary the ranges of the properties and diameters to obtain the desired performance.

### ***Allowable Subject Matter***

Claims 23-27 and 30-38 are allowed.

Claims 2 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Trimiew whose telephone number is 571-272-4409. The examiner can normally be reached on Mon, Wed, Fri 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 13, 2006



Raeann Trimiew  
Primary Examiner